

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

RAMPART CROSSING CONDOMINIUMS §
Plaintiff, §
§
§

v. §
§
NATIONWIDE MUTUAL FIRE INSURANCE §
COMPANY AND JEFFREY S. BOYERS §
Defendants. §

CIVIL ACTION NO. 5:16-cv-01253

AGREED STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff Rampart Crossing Condominiums (“Plaintiff”) and Defendant Nationwide Mutual Fire Insurance Co. (“Defendant”) hereby file this Agreed Stipulation of Dismissal With Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. Plaintiff filed suit against Defendant related to an insurance claim for property damage allegedly caused by a storm which occurred during the term of Plaintiff’s policy of insurance.
2. Plaintiff and Defendant have since resolved their differences to their mutual satisfaction.
3. Plaintiff moves to dismiss the entire suit with prejudice. Defendant agrees to the dismissal.
4. This case is not a class action, and a receiver has not been appointed.
5. This dismissal is with prejudice. The parties will bear their own costs of suit.

Respectfully submitted,



Marc K. Whyte
Texas Bar No. 24056526
whyte@pllc.com
Whyte PLLC
1045 Cheever Blvd., Suite 103
San Antonio, Texas 78217
(210) 562-2888
(210) 562-2873 - Facsimile

**ATTORNEY FOR PLAINTIFF
RAMPART CONDOMINIUM CROSSING**

/s/ Patrick M. Kemp

Patrick M. Kemp
Texas Bar No. 24043751
pkemp@smsm.com
Robert G. Wall
Texas Bar No. 24072411
rwall@smsm.com
Juliet Y. Azarani
Texas Bar No. 24087124
jazarani@smsm.com
Segal McCambridge Singer & Mahoney
100 Congress Avenue, Suite 800
Austin, Texas 78701
(512) 476-7834
(512) 476-7832 – Facsimile

**ATTORNEYS FOR DEFENDANT
NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF on this the 22 of March, 2017 to:

Marc K. Whyte
Whyte PLLC
1045 Cheever Blvd., Suite 103
San Antonio, Texas 78217
mwhyte@whytepllc.com
jsaenz@whytepllc.com

/s/ Patrick M. Kemp

Patrick M. Kemp